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Executive Secretary
Marine Safety Council (G-LRA)(CGD 97-050)
U.S. Coast Guard
2 100 Second Street SW
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Dear Sir:

This letter is in response to the Deepwater Port Advanced Notice of Proposed Rulemaking; Request for comments, FR Vol 62, No. 168 of August 29, 1997. These comments will follow the order of the questions pose in the ANPRM.

Question 1: *What **provisions** of the regulations addressed can be moved from the **regulations** and placed in the license conditions?*

- No Comment

Question 2. *What provisions of the regulations can be moved from the **regulations** and placed in the Operations Manual?*

- CFR 150 Subparts: **B, C, D, E, & F.** In addition to moving **these** sections to the Operations manual, revisions should made to bring the regulations in line with, and revised to the same level of detail as in the regulations contained in 33 CFR 154. **The** regulations in their present format unnecessarily overburden the deepwater port industry, and do not provide a level playing field with the rest of the oil import/transfer industry.

Question 3. *What regulations are obsolete, unnecessary, redundant, or restrictive?*

- CFR 149 should be eliminated, this appears to be a restatement of the engineering requirements contained in 33 CFR 148. The equipment requirements for manned platforms be included in 33 **CFR** 150, as is done with 33 CFR 154.500 and 154.800.
- CFR 150.105 should be eliminated and replaced with requirements similar to 33 CFR 154.300. The present Guidelines for Preparation of a Deepwater Port Operations Manual calls for a series of in excess of 10 **volumes**. This requirement make the “Operations Manual” a document that sits on a shelf and collects dust. Organizing the manual LAW 33 CFR 154.300 will provide a document a **useable** reference/guidance tool. In addition the cognizant COTP should be the final approval entity vice the Commandant. The COTP is the entity which would be most qualified to deal with the operations manual issues, because 1) local knowledge, and 2) the prospective deepwater port will be inspected by and be **held** responsible to for compliance. This is not to say that the COTP can not query Commandant for technical assistance if necessary. 3) The **COTP** whose zone has a deepwater port has a regulatory mandate to ensure overall Port/Environmental safety.
- CFR 150.106, who needs 20 copies of an operations manual? A sufficient number of copies could be determined by the cognizant **COTP**. It appears that at least 5 would be needed; **1-COTP**, 1-District, 1- State License holder, **1-COMDT**, 1-extra. This number could be adjusted as the **need** arises.
- CPR 119, notification should be made to the cognizant **COTP**.
- CFR 150.117, notification should be made to the cognizant COTP.
- CFR 150.127, see discussion in Question 6.
- CFR 150.129, **should reference** compliance with 33 CFR 154 Subpart F.
- CFR **150** 117, should require notification of the Cognizant COTP vice the District Commander.
- CFR 150.203 through 150.217, should be deleted and a single section entitled Person/s in Charge added.

Question 4. Should the Outer Continental Shelf Activities regulations (33 CFR Subchapter N) be applied to Deepwater Ports?

- Yes, as Subchapter N applies to manned platforms. One of the problems with the existing regulations is that the original Deepwater Port regulations is that they were patterned after Subpart C, requiring the proposed deepwater port be constructed as a Mobile Offshore Drilling Unit (**MODU**). This categorization is overly oppressive to a Deepwater Port, that is in all actuality, a Manned Offshore Platform.

*Question 5. Should **the** regulations for Facilities Transferring **Oil** or Hazardous **Material** in Bulk be applied to Deepwater Ports?*

- Yes and No, I feel “‘applied to” is an improper **term**. There is a need for separate regulations for Deepwater Ports because of the unique license and application **protocols**. To lump them into the same category as a Marine Facility Handling Oil in Bulk would be inappropriate. There is a lot of merit in organizing the existing 33 CFR 150 along the lines of 33 CFR 154. **In** addition it would be necessary and appropriate to pare down the 33 CFR **150** regulations to the same level of specificity as the regulations contained in 33 CFR 154.

*Question 6. Should the environmental **monitoring program** be revised?*

- Yes - totally eliminated .
- The present **monitoring** program (with only minor changes) is the same program that was established when the regulations were first promulgated. At that time, the running of a Deepwater Port or its ramifications on the environmental dangers were unknown. In addition, the monitoring program was established pre OPA-90 which drastically changed a Deepwater Port’s liability in the event of a spill, When the regulations **were** first promulgated it was **felt** that a deepwater port would be the **responsible** party for any pollution originating from the **facility** or the **supertanker** transferring to the facility. OPA-90 changed/revised that perception to place responsibility on the vessel for a spill from the vessel and the facility for its own operations. In addition, National Resource Damage Assessment regulations have been promulgated, which among other requirements requires post incident damage **asscessment** monitoring.
- **The** monitoring program was established to measure adverse impacts on the environment from both construction and post construction operations. The monitoring program covered the deepwater port proper, and the entire pipeline corridor from the platform to 40 or 50 miles inland.
- Over the last 20 some odd years since the monitoring program has been in effect **there** have been absolutely no measurable detrimental effects on the environment, as attested to by the constant **review** of the monitoring program by **the** Environmental Program Review Committee (made up of academia, federal **&** state regulators), and third party program audits. There is no longer a need for such an extensive monitoring program as is presently in place. No other regulated entity (including Nuclear power plants) are required to adhere to such a detailed monitoring program. We have learned much over the last 20 some odd years and should relieve industry of those programs that have been found unnecessary. A Deepwater Port should be held to the same standard as the rest of the oil industry, which is established in OPA-90 and the NRDA regulations.

*Question 7. What other regulations, **if any**, should the Deepwater Port Regulations be designed **like**?*

- A **deepwater** port is a combination of a offshore pumping platform and a marine oil transfer facility. This combination allows one to combine the structural engineering/design/material **from** the offshore platform regulations, and the *operations* section of **the marine** facilities transferring oil in bulk regulations.
- It is recommended 33 CFR 148 remain as now promulgated. 33 CFR 149 - deleted. 33 CFR 150 should be completely revised. which should take, 1) the structural engineering/design/material requirements from the manned offshore facility **regulations** 33 CFR 140-147 (this would accommodate the deleted 33 CFR 149) and, 2) revised 33 CFR 150 regulations (patterned after 33 CFR 154) and combine both into **a** single Subchapter.

GENERAL COMMENTS ON THE DEEPWATER PORT REGULATIONS:

- The Deepwater Port regulations were promulgated in the mid 70's when the offshore oil industry and it's technology was in its infancy. The Deepwater Port regulations were established for a proposed deepwater port off Louisiana. This was a first **of** its kind **operation**. Regulations were promulgated to regulate the unknown, and extreme measures **were taken** to **ensure** the safety of the environment and learn more about the effects of a deepwater port and the connecting pipeline to shore. Technology **has** drastically changed since **then and** a revision of the regulations are long overdue. The scientific community has learned greatly from the consistently safe operation of the only existing deepwater port and **from** the environmental monitoring program that has been in place for over 20 years. Future deepwater port should not be subjected to the extreme over regulation and unreasonable environmental program that the present deepwater port has had to operate under.
- The move to revise the Deepwater Port regulations is long overdue. This is one set of regulations which could very easily **be** streamline and would be a great success story for the Vice Presidents program to **re-invent** government.

Sincerely,


Dale L. Hutchinson